



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V

111 West Jackson Blvd.
CHICAGO, ILLINOIS 60604

US EPA RECORDS CENTER REGION 5



515283

REPLY TO ATTENTION OF:

NOV 16 1982

Erica Dolgin - Room 1507
Environmental Enforcement Section
Land & Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Dear Ms. Dalgin:

Enclosed are the minutes of the meeting held on October 29, 1982 in your office. If you or other participants have comments or additions please make them on the attached copy and inform me so I can also update my notes.

Sincerely,

Paul Bitter
On-Scene Coordinator

Attachment

cc: David Hird, DOJ
M. Kosakowski, EPA WH547-E
R. Leininger, EPA, 5C
D. Woitte, EPA WH527-E

RECEIVED NOV 16 1982
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENTAL PROTECTION AGENCY

Minutes of Meeting held on October 29, 1982

Participants: David Hird, Erica Dolgin, DOJ;
Robert Leininger, EPA 5RC
Deborah Woitte, EPA, Enforcement
Michael Kosakowski, EPA, 527-E
Paul Bitter, EPA, 5HR

Bitter updated the participants on the studies being conducted at the site and the studies planned for the future. The work at W-23 will be summarized by the State MPCA and submitted to EPA within two weeks. Substantial amounts of coal tar have been recovered from the well and future work is being contemplated that will include clean out beyond the diameter of the existing casing. A recovery well is also contemplated. Future work, if decided to be necessary at the well, will be conducted in the Spring time. It is anticipated that Reilly Tar will attempt to prove that the MPCA has polluted at least two aquifers during the recovery operation at W-23.

The State MDH has determined acceptable drinking water levels of PAH, i.e., 28 nanograms per liter for the sum of carcinogenic PAH and 280 nanograms per liter for the sum of all other PAH. The rationale for these numbers is available from me or the State.

Kosakowski recommended that Bitter secure an expert witness for the water treatment study before proceeding with a Record of Decision which would be submitted to the Superfund office for funding of a treatment system. Kosakowski will also provide to Bitter the work being done by Selkirk and Bingham, Kimble, and Headquarters' toxicology evaluation as soon as available. The REM-FIT contract mechanism will be utilized for acquiring the services of expert witnesses, if possible.

future
Bitter/Leininger will draft a letter to Reilly Tar responding to previous correspondence, acknowledging their offer to submit a "comprehensive plan" by December 31, 1982 and dismissing ERT from future milestone meetings. Our reasons will be rationally explained and coordinated with the State Attorney General's office.

Leininger will set up meeting with Olaf Phannuch (Sp?) Ph.D., University of Minnesota. DOJ will serve as reference for Sole Source contract based on previous interviews with expert witnesses.

Bitter will coordinate with Denis Foerst, EPA MERL and request future input by Denis into studies that involve chemical analysis at the site. This will provide a consistent check for all studies funded through the Superfund office.

Future communication with Reilly Tar that involves engineering studies or chemical analysis will go through EPA and DOJ lawyers.

Hird will provide necessary legal guidelines to the USGS for their communication with ERT, Reilly Tar and citizens who are interested in the problem at the site.

Bitter explained that initial data show that the existing treatment system at Well W15 can attain significant removal of PAH and should probably be used as part of a treatment scheme with the addition of another unit process, possibly, granular activated carbon.

Waitte presented the results of her investigation of the working status of Robert Polach, vice president and general counsel of Reilly Tar, who was temporarily employed by EPA HQ's office. His employment with EPA ended in July 1982, before our August 24, 1982 meeting with Reilly Tar representatives.

Dalgin/Kosakowski/Bitter will present schedules for anticipated actions that will affect the legal and technical solutions to the problem. Bitter will provide a time-line for Superfund actions in two weeks and Enforcement actions will then be superimposed.